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THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSEPH FIDTLER,	:	CIVIL NO. 1:01-CV-0955
	:	
Plaintiff	:	(Judge Kane)
	:	
v.	:	(Magistrate Judge Smyser)
	:	
PA DEPARTMENT OF CORRECTIONS;	:	
CHARLES STROUP;	:	
KAREN RODGERS;	:	
CHARLES MCCLOSKEY;	:	
and RAY P. SMITH;	:	
	:	
Defendants	:	

FILED
HARRISBURG, PA

AUG 06 2001

MARY E. D'ANDREA, CLERK
PER DEPUTY CLERK

ORDER

The plaintiff, a prisoner proceeding *pro se*, commenced this 42 U.S.C. § 1983 action by filing a complaint in the Court of Common Pleas of Northumberland County, Pennsylvania. The plaintiff claims that the defendants' refusal to provide him with idle pay violates his due process rights and is a violation of the *ex post facto* clauses of the United States Constitution. On May 30, 2001, the defendants removed the case to this court.


On June 5, 2001, the defendants filed a motion to dismiss the complaint. By a Report and Recommendation dated

July 10, 2001 it was recommended that the defendants' motion to dismiss be granted and that the case file be closed.

On July 16, 2001, the defendants filed a motion to stay discovery and a brief in support of that motion. The defendants request that the court stay all discovery pending a decision on their motion to dismiss. The plaintiff has not filed a brief in opposition to the motion.

We will grant the unopposed motion for stay of discovery.

AND NOW, this ^{6th} day of August, 2001, **IT IS HEREBY ORDERED** that the defendants' motion (doc. 9) for a stay of discovery is granted. Discovery is stayed pending a decision on the defendants' motion to dismiss.


J. Andrew Smyser
Magistrate Judge

Dated: August 6, 2001.

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

August 6, 2001

Re: 1:01-cv-00955 Fidtler v. PA Department of Cor

True and correct copies of the attached were mailed by the clerk
to the following:

Joseph Fidtler
SCI-Coal Township
CD-2250
1 Kelly Drive
Coal Township, PA 17866-1020

Raymond W. Dorian, Esq.
Office of Chief Counsel
PA Dept of Corrections
55 Utley Drive
Camp Hill, PA 17011

cc:		
Judge	()	() Pro Se Law Clerk
Magistrate Judge	()	() INS
U.S. Marshal	()	() Jury Clerk
Probation	()	
U.S. Attorney	()	
Atty. for Deft.	()	
Defendant	()	
Warden	()	
Bureau of Prisons	()	
Ct Reporter	()	
Ctroom Deputy	()	
Orig-Security	()	
Federal Public Defender	()	
Summons Issued	()	with N/C attached to complt. and served by:
		U.S. Marshal () Pltf's Attorney ()
Standard Order 93-5	()	
Order to Show Cause	()	with Petition attached & mailed certified mail
		to: US Atty Gen () PA Atty Gen ()
		DA of County () Respondents ()
Bankruptcy Court	()	
Other	()	

MARY E. D'ANDREA, Clerk

DATE:

8-6-01

BY:

STJ
Deputy Clerk